

IN THE
Supreme Court of the United States

OCTOBER TERM, 1989

PACIFIC MUTUAL LIFE INSURANCE COMPANY,

Petitioner,

—v.—

CLEOPATRA HASLIP, CYNTHIA CRAIG,
ALMA M. CALHOUN and EDDIE HALGROVE,

Respondents.

ON WRIT OF CERTIORARI TO THE
SUPREME COURT OF ALABAMA

**BRIEF OF *AMICUS CURIAE*
CHURCH OF SCIENTOLOGY OF CALIFORNIA
IN SUPPORT OF PETITIONER**

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Dated: June 1, 1990

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No. 89-1279

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INTEREST OF THE *AMICUS CURIAE*¹

The Church of Scientology of California ("the Church") is a not-for-profit religious corporation incorporated in the State of California. The Church adheres to the practices and beliefs of the Scientology religion. The Church is the petitioner in a case that is currently pending before this Court,

¹ The letters of consent of the parties to the filing of this brief have been filed with the Clerk of the Court.

Church of Scientology of California v. Wollersheim, No. 89-1361 (filed February 23, 1990). As set forth in detail in that petition, a California state court jury awarded the plaintiff, Larry Wollersheim, \$25 million in punitive damages and \$5 million in compensatory damages against the Church for intentional infliction of emotional distress purportedly caused by participation in the practices of the Scientology religion, particularly Scientology's central religious practice of auditing. The judgment was affirmed on appeal, although the court of appeal reduced the punitive damages to \$2 million and the compensatory damages to \$500,000.

The Church's petition before this Court challenges the judgment as contrary to the First Amendment. Of particular relevance here, the Church also asserts the punitive damage award violates both the First Amendment and the Fourteenth Amendment's due process clause. There is another petition pending before this Court that raises similar issues of intangible tort liability for religious practices, including First Amendment and due process challenges to a similar massive punitive damage award. *International Society For Krishna Consciousness of California v. George*, No. 89-1399 (filed February 28, 1990).

The Church understands that the Court did not act on either of these petitions during the regularly scheduled conferences, presumably because of the Court's prior decision to grant the petition for certiorari in the instant matter on the question of what restrictions, if any, the due process clause imposes on an award of punitive damages.

ARGUMENT

The Church files this *amicus curiae* brief because of its direct interest in the outcome of this matter. The Church is mindful, however, that numerous *amicus curiae* briefs have been filed in this case, and the Church does not wish to burden this Court with repetitious briefing. Therefore, the Church fully adopts and incorporates by reference the *amicus*

curiae briefs of CBS, Inc., *et al.*, and of the National Council of Churches of Christ in the U.S.A., *et al.*, particularly as these briefs discuss the role of the First Amendment and the due process clause in providing heightened protection from ruinous punitive damage awards for the free exercise of religion and freedom of speech. The Church also respectfully refers the Court to its discussion of these issues in its pending petition, at 26-29, and in its reply brief, at 6-7.

If the Court finds it unnecessary to address these important First Amendment issues in this case, the Church suggests that the *Wollersheim* case provides an appropriate vehicle for resolving the question of the limits imposed by the First Amendment and the due process clause upon the imposition of punitive (and compensatory) damages for intangible injuries purportedly sustained as a result of religious practices and religiously-motivated speech.

CONCLUSION

The Court should make clear, either in this case or in *Woltersheim*, that whatever limitations the due process clause imposes on punitive damages in commercial litigation, the First Amendment and the due process clause prohibit or severely restrict the award of punitive damages for intangible injuries allegedly suffered as a result of participation in religious practices or as a result of religiously-motivated speech.

Dated: June 1, 1990

Respectfully submitted,

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